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Held at Headquarters, New York, on Tuesday, 22 November 2016, at 10 a.m.

Chair: Ms. Mejía Vélez ..... (Colombia)

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(a) Rights of indigenous peoples (*continued*)

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The meeting was called to order at 10.05 a.m.

Agenda item 106: Crime prevention and criminal justice (*continued*) (A/C.3/71/L.11/Rev.1)

Draft resolution A/C.3/71/L.11/Rev.1: Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption

1. **Mr. Khane** (Secretary of the Committee) read out a statement, in accordance with rule 153 of the rules of procedure of the General Assembly, on the programme budget implications of draft resolution A/C.3/71/L.11/Rev.1. Pursuant to paragraph 43 of the draft resolution, it was noted that the Conference of the States Parties to the United Nations Convention against Corruption had underlined, in its resolution 3/1, that the Mechanism for the Review of Implementation of the United Nations Convention against Corruption would require a budget that ensured its efficient, continued and impartial functioning.

2. The level of voluntary contributions that had been received towards the funding of the Review Mechanism, intended to cover the expenditures for its first cycle on the assumption that the latter would be completed by 30 June 2017, had resulted in a significant funding gap. Voluntary contributions in the amount of $1,379,500 to support the first two years of the second cycle had been received, leaving a funding gap of $4,229,100.

3. The Conference of the States Parties to the Convention had requested the Secretariat to determine whether the shortfall could be addressed through cost efficiencies or voluntary contributions, and to take the shortfall into account when submitting the proposed programme budget for the biennium 2018-2019. The Secretariat had examined the shortfall in resource requirements for the functioning of the first two years of the second cycle of the Review Mechanism and had concluded that outside a minimal absorption of 10 workweeks through efficiency arrangements, the overall staffing shortfall could not be addressed through cost efficiencies.

4. Similarly, while efforts were being made to raise additional voluntary contributions to cover the operational costs of the Review Mechanism (travel of participants for country visits and joint meetings, translation of working documentation, participation of representatives from least developed countries in the sessions of the Implementation Review Group, training of intergovernmental experts, travel of United Nations Office of Drugs and Crime experts to provide targeted assistance in countries under review, and computer maintenance), the additional workload and staffing requirements could not be covered through extrabudgetary resources. The shortfall in voluntary contributions precluded the use of extrabudgetary funding to cover the cost of the required additional posts (one P-4 and two P-3 posts), and their related computer maintenance and communications requirements for the biennium 2018-2019.

5. The aforementioned posts were required to carry out the following functions: two additional Crime Prevention and Criminal Justice Officers (P-3) and one new Crime Prevention and Criminal Justice Officer (P-4) to enable the Secretariat to implement the mandate of the Conference of the States Parties to effectively meet the full requirements of the States parties in conducting country reviews in a timely manner, and to ensure the highest quality review process.

6. Any resource requirements emanating from the consideration of the General Assembly of the report of the Conference of the States Parties to the United Nations Convention against Corruption for the biennium 2018-2019 would be reviewed in accordance with established budgetary procedures. The adoption of draft resolution A/C.3/71/L.11/Rev.1 currently under consideration would give rise to the following additional resource requirements for the biennium 2018-2019: $414,200 for the one P-4 and two P-3 posts under section 16, International drug control, crime and terrorism prevention and criminal justice, and $21,000 for standard common service costs (office automation equipment, communications) under section 29G, United Nations Office in Vienna, for a total of $435,200. The adoption of the draft resolution would not give rise to any budgetary implications for the biennium 2016-2017.

7. **Mr. Ruiz Blanco** (Colombia), introducing draft resolution A/C.3/71/L.11/Rev.1, called on all the States parties to the United Nations Convention against

Corruption to actively participate in the second cycle of the Review Mechanism, which would focus on chapter 2 (preventive measures) and chapter 5 (asset recovery) of the Convention. Corruption was an obstacle to the promotion and protection of human rights and to the achievement of the Sustainable Development Goals. The international community must therefore increase its efforts to mitigate the negative consequences of corruption.

8. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Austria, Bosnia and Herzegovina, Burundi, Chad, Chile, Congo, Croatia, Cyprus, Cuba, Denmark, Ecuador, Egypt, El Salvador, France, Gambia, Ghana, Greece, Guatemala, Guinea, Honduras, India, Italy, Jamaica, Lesotho, Libya, Malta, Mongolia, Montenegro, Morocco, Netherlands, Niger, Nigeria, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Senegal, Serbia, Sierra Leone, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) had joined the sponsors.

9. **Mr. Ajayi** (Nigeria) said that his delegation was committed to fighting corruption and all of its ramifications, ensuring that the wealth was returned to its country of origin and pledged to infrastructure and development projects. Returning assets and funds to their country of origin would stimulate growth and economic recovery, including in the many countries currently experiencing a recession. His Government encouraged cooperation based on trust, openness, transparency and confidence-building with a view to accelerating the recovery of assets and funds. He called on all Member States to strengthen international mechanisms to return illicit assets and funds to their country of origin, in particular within the framework of achieving the Sustainable Development Goals and eradicating poverty.

10. *Draft resolution A/C.3/71/L.11/Rev.1 was adopted.*

11. **Ms. Mukhametzyanova** (Russian Federation) said that her delegation had been disappointed by the lack support for its proposal to develop an international universal legal instrument for the return of assets. It therefore reserved the right to return to that issue at a later date.

Draft resolution A/C.3/71/L.12/Rev.1: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

12. **Ms. Gatto** (Italy), introducing draft resolution A/C.3/71/L.12/Rev.1, presented an oral amendment to paragraph 16: the words "and artefacts" should be added after the phrase "trafficking in cultural property"; cultural artefacts were currently the most trafficked items and the primary subject of detection, investigation and prosecution activities. The three main objectives of the resolution were to build consensus on and highlight the fight against transnational organized crime; to promote the universality and implementation of all pertinent United Nations instruments; and to confirm support for the technical assistance activities of the United Nations Office on Drugs and Crime. The current draft resolution reflected important developments, including the adoption of the 2030 Agenda on Sustainable Development and the New York Declaration for Refugees and Migrants, the growing attention of the United Nations system to new instances of international terrorism, the adoption of the biennial review of the United Nations Global Counter-Terrorism Strategy, and advancements in the enhancement of the rights of disadvantaged people and in the protection of cultural heritage and wildlife.

13. The draft resolution struck a balance between the need to combat organized crime in all its forms and simultaneously the need to protect the human rights of communities and victims of crime, as well as of the perpetrators of criminal acts, in accordance with international standards and the principles of the rule of law. It was crucial to strengthen international cooperation, including through the high-level debate on the United Nations Convention against Transnational Organized Crime to be held in 2017.

14. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Bahamas, Barbados, Belarus, Belgium, Belize, Botswana, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, Georgia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iraq, Ireland,

Israel, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, Netherlands, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay had joined the sponsors.

15. **Ms. Matlhako** (South Africa) said that while her delegation placed a high premium on crime prevention and criminal justice, and would thus join consensus on the draft resolution, it was disappointed by the omission of the issue of extremism as a precursor to violent extremism. The omission weakened the draft resolution: her delegation believed that preventative measures must be implemented to counter extremism before it degenerated into violent extremism.

16. Her delegation was likewise dismayed that the draft resolution was silent on the elaboration of a legally binding normative framework to combat cybercrime. Paragraph 43 did not go far enough in addressing cybercrime; an international normative framework that drew on existing regional instruments and relevant commitments must be developed.

17. *Draft resolution A/C.3/71/L.12/Rev.1, as orally revised, was adopted.*

18. **Ms. Mozolina** (Russian Federation) said that although her delegation welcomed the adoption of the draft resolution, it was disappointed that the relevant paragraph regarding the need for international legal instruments to combat cybercrime had not been included in the final version.

19. **Mr. Khane** (Secretary of the Committee) invited the Committee to take note of the report of the Secretary-General on the follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice (A/71/94); the report of the Secretary-General on technical assistance for implementing the international conventions and protocols related to terrorism (A/71/96); and the report of the Secretary-General on improving the coordination of efforts against trafficking in persons (A/71/119).

20. *It was so decided.*

Agenda item 26: Social development (*continued*)

Draft resolution A/C.3/71/L.5/Rev.1: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

21. **The Chair** said that the draft resolution contained no programme budget implications.

22. **Mr. Khane** (Secretary of the Committee) said that Austria, Belarus, Belgium, Denmark, France, Greece, Italy, Luxembourg, Netherlands, Portugal, Republic of Korea, Romania, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Turkey had joined the sponsors.

23. *Draft resolution A/C.3/71/L.5 was adopted.*

24. **Ms. Brooke** (United States of America) said that while her delegation had joined consensus on the draft resolution, it was disappointed that many problematic provisions had remained in the text and therefore wished to dissociate itself from paragraphs 5, 23, 52, 53 and 61. The United States had joined the consensus on the draft resolution with the understanding that the texts of those six paragraphs did not serve as a precedent for future negotiated documents.

25. Paragraph 5 contained outdated references to the world economic crisis and did not sufficiently weigh the relative impact of external and internal factors on social development. Although external economic factors could affect social and economic development, the United States believed that national governments held primary responsibility. The United States also rejected the claim that there had been a lack of progress in multilateral trade negotiations, as it was not within the purview of the General Assembly to judge the status of trade negotiations carried out in other forums.

26. Similarly, it was inappropriate for the General Assembly to call on international financial institutions

to provide debt relief, as in paragraphs 15 and 52. The demand contained in paragraph 52 for the international community to increase market access or provide debt relief and transfer technology was unacceptable in a non-binding resolution, and oversimplified complex problems. With respect to transfer of technology specifically, protection and enforcement of intellectual property rights was critical for innovation, and therefore the United States understood all references to transfer of technology in the draft resolution to refer to voluntary technology transfer on mutually-agreed terms.

27. Paragraph 23 contained a reference to foreign occupation, and in that regard, the United States reaffirmed its abiding commitment to a two-State solution to the Israeli-Palestinian conflict. With respect to paragraph 61, the United States believed that the United Nations Guiding Principles on Business and Human Rights provided a universal framework for addressing a wide range of issues and challenges, and thus understood the responsibilities of businesses raised in the draft resolution to be consistent with that document.

28. With respect to the eleventh preambular paragraph, the United States had long-standing concerns regarding the right to development, as that phrase did not have an internationally accepted meaning. In addition, the word "equitable" was used in multiple contexts in the draft resolution, particularly in the twentieth preambular paragraph and paragraph 22, and should not be interpreted in such a way as to imply a subjective assessment of fairness that could lead to discriminatory practices.

29. **Ms. Grigoryan** (Armenia) said that her country regretted the selective interpretation of the norms and the principles of the Charter of the United Nations and of other international legal instruments, particularly when it came at the expense of other principles of international law, particularly the right of peoples to self-determination. That manifested an ill-advised shift in the declared objectives of the draft resolution. Armenia consistently resisted an approach that introduced a hierarchy between the Charter and other instruments of international law and therefore wished to dissociate itself from paragraph 24 of the draft resolution.

Agenda item 64: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/71/L.13/Rev.1, A/C.3/71/L.18/Rev.1 and A/C.3/71/L.20/Rev.1)

Draft resolution A/C.3/71/L.13/Rev.1: Child, early and forced marriage

30. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that under the terms of paragraph 18 of the draft resolution, the General Assembly would request the Secretary-General to submit a comprehensive report to the General Assembly before the end of its seventy-second session on progress towards ending child, early and forced marriage, including action-oriented recommendations for eliminating the practice, using information provided by Member States, United Nations bodies, agencies, funds and programmes, civil society and other stakeholders.

31. In order to implement the requests contained in the draft resolution, it was envisaged that additional one-time resources would be required for general temporary assistance at the P-4 level for four months in 2018 to complement staff capacity of the Office of the United Nations High Commissioner for Human Rights with special knowledge of the subject matter to consult with stakeholders, conduct research, and prepare the comprehensive report for the seventy-second session of the General Assembly. Preparation of the report required development of a questionnaire in order to guide the provision of information by States, civil society, and other entities. Those activities related to section 24, Human rights, of the proposed programme budget for the biennium 2018-2019. The adoption of the draft resolution would give rise to one-time resource requirements of $62,000 in 2018. Should the General Assembly adopt the draft resolution, the related additional requirements of $62,000 would arise under section 24, Human rights, of the proposed programme budget for the biennium 2018-2019. Accordingly, the adoption of the adoption of the draft resolution would not give rise to any financial implications under the programme budget for the biennium 2016-2017.

32. **Ms. Kasese-Bota** (Zambia), introducing the draft resolution, said that two revisions should be made to the text. In paragraph 4, "requiring" should be changed to "concerning." In paragraph 13 (formerly paragraph 12), after the first instance of the word "including", the words "their right" should be replaced with "the right of women, and those girls who have been subjected to child, early and forced marriage",.

33. The current text built on recent achievements, including resolutions adopted at the sixty-ninth session of the General Assembly and at the Human Rights Council in 2015. It aimed to mobilize the global community to deliver on Goal 5.3 of the 2030 Agenda for Sustainable Development. The draft resolution placed an emphasis on the concrete actions and coordination needed to end child, early and forced marriage, including empowerment of girls and women, engaging men and boys, providing services and implementing laws and policies.

34. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Angola, Austria, Belgium, Brazil, Burundi, Chad, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Guinea, Honduras, Hungary, Ireland, Japan, Kazakhstan, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Montenegro, New Zealand, Papua New Guinea, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Samoa, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Republic of Tanzania, Uruguay and Vanuatu had joined the sponsors.

35. *Draft resolution A/C.3/71/L.13/Rev.1 was adopted as orally revised.*

36. **Mr. Sandoval Mendiolea** (Mexico) said his delegation had been concerned by the atmosphere of opposition during the discussions on sexual and reproductive rights. Mexico believed that sexual and reproductive rights were vital to ensuring that women enjoyed the highest standards of physical and mental health. Diluting those concepts would be a step backwards, as they were part of agreed language at various international forums such as the Human Rights Council and in commitments under the 2030 Agenda for Sustainable Development. They were also a critical element of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.

37. Mexico noted with concern that during the negotiations on the various draft resolutions on the advancement of women, the expression "sexual and reproductive health" had been replaced with terms that had substantively diluted the content of the initiatives, eliminating their rights-based focus. That was troubling, given that the empowerment of women would depend to a great extent on their right to make decisions about their bodies when they were young.

38. **Mr. Mohamed** (Guyana), speaking on behalf of the Caribbean Community (CARICOM), said that his delegation had joined in consensus on the draft resolution but noted that the interpretation of the term "early marriage" in that draft resolution and in other United Nations resolutions would be subject to the national laws of the member States of CARICOM.

39. **Ms. Al-Temimi** (Qatar), speaking on behalf of the States of the Gulf Cooperation Council, said that those States had reservations about the term "early marriage", as it was a vague term with no agreed meaning. The laws and legislation of those States criminalized child marriage, in accordance with international law, and therefore, the States of the Gulf Cooperation Council retained reservations around the term "early marriage" wherever it occurred in United Nations resolutions. The specific national, regional, historical and religious character of States should be borne in mind when addressing such issues, and the position taken by the Gulf Cooperation Council States on the draft resolution was based on the principle of national sovereignty.

40. **Mr. Herrmann** (Observer for the Holy See) said that his delegation welcomed the transparency with which the consultations had been carried out, but was concerned by the increasing insistence on individual autonomy. In order to eliminate child, early and forced marriage, the international community must not only change laws, but must also work to change practices and behaviour at the family level.

41. During the negotiations, delegations had reminded the facilitators that reproductive rights were not recognized as human rights in international law,

and therefore the Holy See could not affirm such a concept. Although delegations had called for that error to be corrected in the draft resolution, the language remained in paragraph 12 and therefore it could not be considered a consensus document.

42. His delegation also wished to express reservations around the terms "sexual and reproductive health", "sexual and reproductive health-care services" and "reproductive rights", which were understood by the Holy See as applying to a holistic concept of health. The terms "gender", and "gender norms or stereotypes" were understood to be grounded in biological sexual differences that were either male or female. With respect to "comprehensive education", "information" and "sexuality", the Holy See affirmed the primary rights and responsibilities of parents before all others, including their right to religious freedom in the education of their children, as enshrined in international human rights instruments.

A/C.3/71/L.18/Rev.1: Protecting children from bullying

43. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that in paragraph 7 of the draft resolution, the General Assembly would request the Secretary-General to present a report on the implementation of the resolution at the seventy-third session of the General Assembly. It was anticipated that the request contained in operative paragraph 7 would entail additional resource requirements of $37,600 in 2018 for one pre-session document of 8,500 words to be issued in all six languages. Accordingly, should the General Assembly adopt the draft resolution, those additional resource requirements under section 2, General Assembly and Economic and Social Council affairs and conference management would be included in the proposed programme budget for the biennium 2018-2019.

44. **Mr. Sandoval Mendiolea** (Mexico), introducing the draft resolution, said that children all over the world were affected by bullying. According to data collected by the United Nations Children's Fund (UNICEF), nine out of ten children were very worried about bullying; two out of three said that they had been bullied; and eight out of ten said that Governments should take action to combat it. The draft resolution constituted such a response.

45. Mexico was committed to preventing and addressing violence against children and believed that a lasting and effective anti-bullying strategy would need to be child-centred. The draft resolution took on board some of the recommendations and practical measures for preventing and addressing bullying contained in the report of the Secretary-General. Every Member State was responsible for ensuring that the rights of all its children were upheld. Mexico would continue to promote initiatives aimed at eliminating all forms of violence against children, particularly bullying and cyberbullying.

46. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Austria, Bahamas, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Chad, Chile, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Indonesia, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lesotho, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, Nicaragua, Panama, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Sierra Leone, Serbia, Seychelles, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United Republic of Tanzania and the United States of America had joined the sponsors.

47. *Draft resolution A/C.3/71/L.18/Rev.1 was adopted.*

48. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union, said that the draft resolution raised international awareness of a subject that young people dealt with every day. The European Union strongly supported the protection and promotion of the rights of the child and looked forward to the incorporation of bullying into the annual omnibus resolution on the rights of the child in 2017. Bullying occurred everywhere and had a negative impact on the victims, the witnesses and the bullies themselves. It was high time for the international community to shed light on the issue and tackle its root causes. Evidence had shown that children were bullied for many reasons, including their economic circumstances, their physical appearance, their ethnic background, a disability, or

because they did not fit existing gender stereotypes. Sadly, many children and young people were being bullied because of their actual or perceived gender identity or sexual orientation. Of over 100,000 children who participated in the U-Report opinion poll conducted by UNICEF, half reported being bullied because of their gender, sexuality or physical appearance. Reflecting that worrying situation in the draft resolution was justifiable, and many delegations, including the main sponsor, would have supported that outcome. The European Union had sponsored the draft resolution and looked forward to the report on its implementation.

49. **Mr. Gunnarsson** (Iceland), speaking also on behalf of Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, El Salvador, Finland, France, Germany, Honduras, Italy, Ireland, Israel, Japan, Latvia, Liechtenstein, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom, the United States of America and Uruguay, said that those delegations strongly condemned all forms of bullying. They urged all Member States to implement appropriate measures to prevent and eliminate bullying and welcomed the inaugural report of the Secretary-General on the subject, which provided empirical evidence that bullying was a global phenomenon and that no country or region was immune. Furthermore, evidence from around the world indicated that children belonging to marginalized or vulnerable groups were at a higher risk, such as children with disabilities, children from disadvantaged backgrounds, migrant and refugee children, children belonging to ethnic, racial, linguistic, cultural or religious minorities, and children having or being perceived to have a sexual orientation or gender identity different from what was viewed as the norm. Among those groups, children with disabilities and children who were discriminated against because of their actual and perceived sexual orientation or gender identity experienced the highest rates of bullying.

50. The above delegations had joined the consensus on the draft resolution on the understanding that the references to marginalized or vulnerable children included lesbian, gay, bisexual and transgender children and children with disabilities, among other groups. They regretted that highly relevant findings of the Secretary-General's report had not been reflected in the draft resolution since it had not been possible to refer more specifically to children in vulnerable or marginalized groups or situations. No one should face violence, discrimination, marginalization or exclusion because of the way they had been born, and it was deeply disappointing that so many other Member States disagreed with that basic premise. According to the Universal Declaration of Human Rights, all human beings were born free and equal, and no one should be subjected to any form of discrimination or violence.

51. Those delegations called on all stakeholders, including Member States, United Nations entities, civil society, the media, schools, communities and families, with the participation and active involvement of children, to raise awareness and to take all appropriate measures to protect children from bullying and to eliminate the associated violence, discrimination, marginalization and exclusion. Lastly, they looked forward to the Secretary-General's report on the implementation of the draft resolution and believed it would contribute greatly to global efforts to prevent and eliminate bullying. They encouraged all Member States to contribute actively to the preparation of the report and to be mindful of its conclusions and recommendations.

Draft resolution A/C.3/71/L.20/Rev.1: Rights of the child

52. **The Chair** said that the draft resolution had no programme budget implications.

53. **Mr. Rosselli** (Uruguay), speaking on behalf of the Latin American and Caribbean Group and the European Union, introduced the draft resolution and said that it was the product of extensive negotiations guided by the common aim of strengthening the protection of children's rights. In order to incorporate the latest developments, many sources had been consulted during its preparation, including recent Human Rights Council resolutions on the rights of the child, as had many actors and organizations, such as UNICEF, the Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Rapporteur on the sale of children, child prostitution and child

pornography. While the draft resolution addressed a comprehensive range of issues, it had focused on migrant children. The Latin American and Caribbean Group and the European Union welcomed the adoption of the New York Declaration for Refugees and Migrants, which reflected a firm political commitment to action. However, such action should always ensure full respect for the human rights of all migrants, especially children.

54. The States members of the Latin American and Caribbean Group and the European Union were willing to work towards greater transparency in the preparation of future resolutions, in particular in terms of timetables and the choice of themes.

55. The draft resolution would provide a good basis for the Committee's consideration of the promotion and protection of the rights of the child in the years to come, especially with a view to upholding the rights of migrant children.

56. **Mr. Khane** (Secretary of the Committee) said that Armenia, Australia, Canada, Chad, Japan, Liechtenstein, Lesotho, New Zealand, Palau, Papua New Guinea, Philippines, Republic of Korea, Sri Lanka, Switzerland and Turkey had joined the sponsors.

57. **Mr. Mohamed** (Sudan) said that his delegation categorically rejected the reference made in paragraph 36 of the draft resolution to the International Criminal Court. He proposed that that paragraph should be amended to read: "... and calls upon the international community to hold those responsible for violations accountable, and promptly bring them to justice as provided for by national laws and obligations under international law."

58. The proposed amendment, which made use of language contained in General Assembly resolution 68/141, would facilitate consensus on the draft resolution in view of the fact that many States had refused to accede to the Rome Statue. Sudan would continue to oppose all attempts to politicize the draft resolutions submitted to the Third Committee, as well as all attempts to universalize the mandate of the International Criminal Court, which was merely a political tool used by certain parties to further their narrow political interests. As drafted, paragraph 36 constituted a blatant attempt to extend the Court's mandate, inter alia by imposing the Court's jurisdiction on citizens of non-State parties to the Rome Statute. The paragraph also implied that the Court was the only mechanism for bringing the perpetrators of crimes against humanity to justice, and made no mention of other national, regional and international human rights mechanisms that could be used to address the issue of impunity.

59. His delegation remained deeply concerned, in fact, about the ongoing misuse of General Assembly resolutions to promote the International Criminal Court, which, because of procedural delays and its adoption of corrupt and inefficient practices, had utterly failed to promote international criminal justice. Moreover, by targeting only citizens of poor, developing nations in a politicized and selective manner, the Court had lost all credibility as an impartial and objective tribunal. His delegation strongly urged all Member States to vote in favour of the proposed amendment.

60. **Mr. Rosselli** (Uruguay) said that it was regrettable not to have been informed earlier of the proposed amendment. The language in paragraph 36 had been agreed upon and used in many previous resolutions on the rights of the child; in other words, the proposed change would represent a step backwards. He called for the Committee to vote on the proposed amendment and urged Member States to vote against it if they had sponsored the draft resolution or had worked to support it.

61. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union and in explanation of vote before the voting, said that the text of paragraph 36 of draft resolution A/C.3/71/L.20/Rev.1 prior to the amendment under discussion had already been agreed and had received broad support. His delegation had understood that consensus on the draft resolution had been achieved and would continue to stand. The wording used was well-balanced and carefully phrased. The European Union supported the International Criminal Court and was committed to full cooperation for the prevention of serious crimes in cases where citizens could not achieve justice at the national level. Delegations were urged to vote against the amendment.

62. **Ms. Nescher-Stuetzel** (Liechtenstein), speaking also on behalf of the delegations of Australia, Canada, Iceland, New Zealand, Norway and Switzerland, and in

explanation of vote before the voting, said that the phrasing of the paragraph in question had been agreed for more than ten years, and it was unfortunate that an oral amendment was now being introduced. Paragraph 36, which dealt with the protection of children affected by armed conflict, was intended to ensure accountability and punish perpetrators, and the relevance of the provisions of the Rome Statute of the International Criminal Court was recognized in Security Council resolution 2250 (2015). Since the Rome Statute had come into force in 2002, crimes committed against children during armed conflict had figured prominently in indictments issued by the Court, and such indictments had in turn served as useful deterrents. It was deeply disturbing that the established consensus was now under attack for reasons that had nothing to do with the topic addressed by the draft resolution, and therefore she called upon all delegations to vote against the proposed amendment.

63. **Mr. Khane** (Secretary of the Committee) said that the proposed amendment to paragraph 36 of A/C.3/71/L.20/Rev.1 would read "... and calls upon the international community to hold those responsible for violations accountable, and promptly bring them to justice as provided for by national laws and obligations under international law."

64. *At the request of the representative of Uruguay, a recorded vote was taken on the oral amendment proposed by the representative of Sudan.*

In favour:

Algeria, Belarus, Cameroon, China, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Gambia, Guyana, Iraq, Kuwait, Lao People's Democratic Republic, Morocco, Myanmar, Oman, Pakistan, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, Yemen, Zimbabwe

Against:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Plurinational State of Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kiribati, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mexico, Federated States of Micronesia, Monaco, Mongolia, Montenegro, Namibia, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States, Uruguay, Vanuatu, Bolivarian Republic of Venezuela

Abstaining:

Angola, Bahrain, Belize, Benin, Bhutan, Brunei Darussalam, Cambodia, Côte d'Ivoire, Ethiopia, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Islamic Republic of Iran, Jordan, Kazakhstan, Kenya, Malaysia, Mauritius, Mozambique, Nepal, Papua New Guinea, Qatar, Rwanda, Sierra Leone, Singapore, Swaziland, Turkey, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia

65. *The oral amendment was rejected by 100 votes to 23, with 33 abstentions.*

66. *Draft resolution A/C.3/71/L.20/Rev.1 was adopted.*

67. **Ms. Amadeo** (United States of America) said that the current work of institutions such as the United States Agency for International Development and the provisions of such legislation as the Every Student Succeeds Act demonstrated her country's commitment to protecting the well-being of children. Though her delegation had joined the consensus on the draft resolution, it wished to express its views on several of the provisions it contained. The delegation of the United States understood that the provisions of that draft resolution and others adopted by the Committee did not imply that a State must become a party to instruments to which it was not a party, or implement obligations under such instruments. In the draft resolution and any others adopted by the Committee, any reaffirmation of prior documents applied only to those States that had affirmed them initially. Her

delegation also underscored that the draft resolution and any others adopted by the Committee did not change or necessarily reflect the obligations of the United States or other States under treaty or customary international law.

68. With respect to paragraph 3, her delegation noted that reservations were an accepted part of treaty practice and were permissible except when prohibited by a treaty or incompatible with the object and purpose of the treaty. As to paragraph 75, the right to consular notification under the Vienna Convention on Consular Relations was held by the State of a detained person's nationality, not that individual. Finally, with respect to paragraph 71, in particular, her delegation underscored that human rights violations resulted from the conduct of State officials and agents, not private parties.

69. The draft resolution rightly emphasized the importance of protecting vulnerable children. Her delegation read the draft resolution's references to persons in vulnerable or marginalized families or communities or situations to include lesbian, gay, bisexual, transgender and intersex persons and persons with disabilities. With respect to the section on migrant children, the United States emphasized that it would fulfil its international obligations to promote and protect the human rights of migrants by providing substantial protections under the Constitution and other domestic laws to individuals within the territory of the United States, regardless of their immigration status. It also reiterated the well-settled principle under international law that all States had the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals. Her Government drew from a wide range of available resources to safely process migrant children, including those who were unaccompanied, in accordance with applicable laws. In circumstances where migrant children were in the care and custody of the Government, the United States was committed to ensuring that they were treated with dignity, respect and special concern for their particular vulnerabilities, as reflected in several relevant laws, regulations and policies.

70. Her country endeavoured to promote the best interests of the child principle, but reiterated that it did not have an obligation under international or domestic law to apply that principle at all times or in all actions concerning children, including in immigration enforcement or in immigration or criminal proceedings. In addition, with respect to paragraph 68, which had been drawn from paragraph 33 of General Assembly resolution 71/1, the New York Declaration for Refugees and Migrants, her delegation reiterated its concerns and explanation of its position on the Declaration, which had been set forth in document A/71/415. Her delegation was concerned by the lack of transparency in the process of negotiating the draft resolution, and the general unwillingness of the main sponsors to incorporate the constructive suggestions of States. Regrettably, the final text did not reflect many of her delegation's proposed edits, which other countries had supported.

71. Mr. Aliu (Ghana), speaking on behalf of the Group of African States, reiterated the commitment of the Group to providing safe living environments, access to high-quality basic education and opportunities for children to develop their capabilities. The actions of the Group, including eliminating discrimination and tackling poverty, were in line with the Plan of Action adopted at the twenty-seventh special session of the General Assembly and the African common position on the rights of the child. Given the unique and privileged position of children in African societies, draft resolution A/C.3/71/L.20/Rev.1 was one of the most important to be considered by the Committee. Though the Group had engaged constructively with the facilitators, however, many of its proposals had been deliberately ignored. The Group also had concerns about the way the negotiation team had been selected by the main sponsors. As the draft resolution was to be implemented worldwide, the process should be more transparent and inclusive, and take into account the views and ideas of all Member States and regional groups. Children in humanitarian situations, rural children and food security, and nutrition for children, critical issues that had not been emphasized in the past, could have been given greater consideration in the context of the current draft resolution. In that connection, the Group reiterated its proposals for the assembly of teams during the seventy-third session of the General Assembly.

72. In the eighteenth preambular paragraph, which dealt with mortality rates of children under five years old, it was strange to see a reference to sexual and reproductive health care services. The Group also

expressed its reservation on such references in paragraph 33. The Group was very concerned by the approach called for in paragraph 88, namely, appointing an independent expert to lead a study on children deprived of liberty, and did not want it to become a precedent. It was for the Secretary-General, not an independent expert, to submit a report on such a study to the General Assembly. Therefore the Group could not join the consensus on the paragraphs in question.

73. **Mr. Mohamed** (Sudan) said that his country remained committed to promoting and protecting the rights of children. His delegation nonetheless underscored its reservations with regard to the reference made in the resolution to the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, which addressed the rights of women rather than the rights of children. His delegation also underscored its reservations with regard to the seventeenth preambular paragraph and paragraph 32, which both referred to sexual and reproductive health-care services. It was not clear why the drafters had deemed it appropriate to refer to those services in a resolution on the rights of children. He also reiterated his delegation's categorical rejection of the reference made in paragraph 37 to the International Criminal Court. Disassociating itself from that paragraph, his delegation underscored that, as a sovereign State of the United Nations, Sudan had the right to determine its own legal system.

74. **Ms. Mozolina** (Russian Federation) said that, although her delegation had supported the draft resolution, it disapproved of the working methods of the authors, who had monopolized the right to state the position of the international community on children's rights and been unwilling to listen to points of view different from their own. Her delegation wished to join Sudan in disassociating itself from the reference in paragraph 36 of the draft resolution to the International Criminal Court (ICC), since the work of ICC had proven to be ineffective and unsatisfactory.

75. **Mr. AlKadi** (Saudi Arabia), speaking on behalf of the Gulf Cooperation Council, said that the member States of the Council remained firmly committed to promoting and protecting the rights of children. They wished, however, to underscore the importance of bearing in mind the national, regional and religious particularities of States in all initiatives to promote and protect children's rights, and emphasized that they would endeavour to implement the resolution in accordance with their domestic legal frameworks and their obligations under international human rights law.

76. **Ms. Kirianoff Crimmins** (Switzerland) said that her delegation supported the draft resolution and, noting the new wording of paragraph 43, that such wording did not limit the responsibility of States parties to fulfil their obligations arising from the Convention on the Rights of the Child and to guarantee the rights as set out in the Convention to children within their territorial jurisdiction. Her delegation also understood the phrasing of paragraph 43 to be in line with paragraph 10 of General Comment No. 31 of the Human Rights Committee, which stated that the enjoyment of the rights guaranteed by the International Covenant on Civil and Political Rights must be available to all individuals who may find themselves in the territory or subject to the jurisdiction of the State party.

77. **Mr. Al-Kumaim** (Yemen) said that promoting and protecting the rights of children was of the utmost importance to his country, which believed it was crucial to make every effort to create a world fit for children, addressing, in particular, the situation of migrant children and children affected by armed conflict and humanitarian disasters. It was deeply regrettable, however, that both the seventeenth preambular paragraph and paragraph 33 of what his delegation believed was an extremely important resolution included references to sexual and reproductive health-care services for children. His delegation had, in fact, voiced its concerns regarding the inclusion of those references, which ran counter to the provisions of the Convention on the Rights of the Child, during the negotiations on the draft resolution. Nonetheless, the drafters had insisted on retaining them in the text. That was unacceptable to his country and the Yemeni delegation was therefore compelled to disassociate itself from the references to sexual and reproductive health-care services in the aforementioned paragraphs of the resolution.

78. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran), speaking in explanation of position after the adoption of draft resolution A/C.3/71/L.13/Rev.1, said

that his country was committed to implementing all its obligations under the Convention on the Rights of the Child and the Additional Protocols thereto. At the same time, his delegation understood the content of the draft resolution not to impose any new or additional obligations on his country or changes to its customary or treaty-based commitments to the rights of the child.

79. **Ms. Ali** (Singapore) said that her country was committed to fulfilling its obligations as a State party to the Convention on the Rights of the Child. However, it expressed its reservation to paragraph 29, as that paragraph reaffirmed paragraphs from resolution 68/147, to which her delegation had previously expressed its reservation. Nevertheless, it supported the text overall and the consensus on it.

80. **Ms. Moutchou** (Morocco) said that her delegation had made strategic and irreversible choices and honoured its commitments at the national and international levels with respect to the protection of the rights of children, who were the most vulnerable members of Moroccan society. Her delegation had voted in favour of the oral amendment proposed by the delegation of the Sudan because the language of paragraph 36 had not been decided by consensus. That reservation notwithstanding, her delegation had joined the consensus on the text of the draft resolution as a whole, in line with its long-standing position on the issues.

81. **The Chair** said that she took it that the Committee wished to take note of the report of the Committee on the Rights of the Child (A/71/41), the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/71/413) and the report of the Secretary-General on collaboration within the United Nations system on child protection (A/71/277).

82. *It was so decided.*

Agenda item 65: Rights of indigenous peoples (*continued*)

(a) Rights of indigenous peoples (*continued*) (A/C.3/71/L.17/Rev.1)

Draft resolution A/C.3/71/L.17/Rev.1: Rights of indigenous peoples

83. **Mr. Khane** (Secretary of the Committee) said that all aspects of the high-level event called for in paragraphs 5 and 6 of the draft resolution, such as date, format, organization and scope, had yet to be determined. Accordingly, it was not currently possible to estimate the cost implications for meetings and documentation related to that event. Once the modalities were decided, the Secretary-General would submit the relevant costs in accordance with rule 153 of the Rules of Procedure of the General Assembly. The date of the event would be determined in consultation with the Department for General Assembly and Conference Management. Accordingly, the draft resolution contained no programme budget implications at the current stage.

84. **Ms. Sabja** (Plurinational State of Bolivia), speaking also on behalf of Ecuador, introducing the draft resolution, said that the text was balanced and reflected the concerns of delegations. Member States and indigenous peoples themselves must make efforts to ensure full implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

85. **Mr. Khane** (Secretary of the Committee) said that Armenia, Austria, Brazil, Chile, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, El Salvador, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Malaysia, Malta, New Zealand, Norway, Panama, Philippines, Poland, Slovenia, Spain, Sweden, Ukraine, United States, Uruguay, Belize, Congo and Chad had joined the sponsors.

86. *Draft resolution A/C.3/71/L.17/Rev.1 was adopted.*

87. **Mr. Tituaña Matango** (Ecuador) said that his country remained committed to promoting and protecting the rights of indigenous peoples and welcomed the decision to hold the high-level meeting to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples during the sixteenth session of the Permanent Forum on Indigenous Issues. Given that the protection of indigenous languages as a means of preserving ancestral knowledge was a cross-cutting objective of Ecuadorian public policy, his country also welcomed the proclamation of the year 2019 as the International Year of Indigenous Languages. He concluded his statement by sharing a message in the Kichwa language.

88. **Mr. Melki** (France), speaking also on behalf of the delegations of Bulgaria and Romania, said that far too often, persons belonging to indigenous populations were discriminated against and their human rights and fundamental freedoms were violated. Such persons should enjoy the same human rights as anyone else, as those rights were universally applicable. The notion of "collective rights" was defined by a community sharing common origins, culture, language or beliefs, while the traditional conception of human rights in its political and legal sense recognized only the rights of the individual and opposed any form of discrimination, regardless of the basis. Accordingly, a reference in the draft resolution to "the rights of persons belonging to indigenous populations" would have been preferable to the term "collective rights" and would be more faithful to the universal principles of human rights.

89. **Ms. Butler** (United Kingdom of Great Britain and Northern Ireland) said that her country had long provided support for the development of indigenous peoples around the world, and would continue to do so. Her delegation recognized that human rights were universal and understood that indigenous individuals were entitled to the full protection of those rights and fundamental freedoms under international law on an equal basis with all other individuals. Accordingly, it did not support the view that some groups in society would benefit from human rights that were not available to others. The long-standing and well-established position of her country was that with the exception of the right to self-determination, the concept of collective human rights was unacceptable. It was important to ensure that the rights of the group did not supersede the rights of the individual and thereby leave the individual in a vulnerable position. Nevertheless, her delegation also recognized that Governments of many States had enshrined the collective rights of indigenous populations in their constitutions, national laws and agreements, and welcomed the resulting political and economic position of those populations, which was strengthened by such measures. The delegation of the United Kingdom understood that any internationally agreed reference to the rights of indigenous peoples, including in the United Nations Declaration on the Rights of Indigenous Peoples referred to those rights at the national level and in the context of the delegation's stated position.

90. **Ms. Maduhu** (United Republic of Tanzania) said that although her delegation had joined the consensus on the draft resolution, it reiterated its reservation to the claim that indigenous communities existed in her country. It also reaffirmed that all Tanzanians of African descent were indigenous to Tanzania; there were no indigenous peoples as defined by the United Nations or the African Union.

91. **Ms. Mozolina** (Russian Federation) said that her delegation had supported the adoption of the draft resolution. She reaffirmed the intention of the Russian Federation to continue to play an active role in the consultation process on broadening the participation of representatives and institutions of indigenous peoples in relevant United Nations meetings on topics which affected them. Consultations on draft resolutions resulting from such meetings should comply with the rules of procedure of the General Assembly and be of an intergovernmental nature.

92. **Ms. Mballa Eyenga** (Cameroon) said that in her country, the issue of endangered languages, as noted in the eleventh preambular paragraph of the draft resolution, also concerned mother tongues in addition to indigenous languages, hence the importance of promoting, preserving and reviving them. Her Government was engaged in that endeavour, and the International Year of Indigenous Languages, set to begin on 1 January 2019, would be an appropriate opportunity to work towards reviving such languages. Her delegation also wished to reiterate that the plan described in paragraph 8 should be fully aligned with the national laws and realities, and development needs and priorities of Cameroon. Her delegation was grateful to the facilitators of the draft resolution for their efforts to achieve consensus.

93. **The Chair** said that she took it that the Committee wished to take note of the note by the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous People (A/71/228).

94. *It was so decided.*

The meeting rose at 1.05 p.m.